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Docket No.: 3869-024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael Berthon Jones et al.  
Serial No. : 09/936,854 Examiner : TBA  
Filed : January 2, 2002 Group Art Unit:: 3761  
For : CONTROL OF SUPPLIED PRESSURE IN ASSISTED VENTILATION

Commissioner for Patents  
Office of Initial Patent Examination's  
Filing Receipt Corrections  
Washington, D.C. 20231

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MAY 13 2003

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

TECHNOLOGY CENTER R3700

I hereby certify that the attached:

1. Request for Correction of Official Filing Receipt (2 pages);
2. Copy of the marked Issued Filing Receipt;
3. Copy of the Decision on 37 CFR 1.42 (2 pages); and
4. Return Receipt Postcard.

(Along with any paper(s) referred to as being attached or enclosed) and this Certificate of Mailing are being deposited with the United States Postal Service on the date indicated below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, Customer Service Center, Washington, D.C. 20231.

Respectfully submitted  
GOTTLIEB, RACKMAN & REISMAN, P.C.

Dated: 01.30.03

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Zoya V. Chernina

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**SECOND COMMUNICATION REQUESTING CORRECTION OF  
OFFICIAL FILING RECEIPT**

TECHNOLOGY CENTER R3700

Sir:

This is second Communication submitted to request correction of the Official Filing Receipt issued in the above-identified application on April 24, 2002. First Request for Correction of Filing Receipt along with associated document was submitted to the US Patent Office on June 18, 2002. A copy of the Filing Receipt, issued on September 16, 2002 in response to that Request, with the changes noted thereon is attached hereto.

The current Official Filing Receipt once again consists of an error in the list of the Applicant(s) . Specifically, the name of the Peter John D. Wickham, failed to show that this applicant is **deceased, late of New South Wales, Australia**, and, further, that Nicola Frances Wickham is in the capacity of **an executrix**. The copy of the document granting Ms. Wickham status under 37 CFR 1.42 in the above-identified application is enclosed herewith.


As such, applicants, through the undersigned attorney, respectfully requests the issuance of

a new corrected Filing Receipt for this patent application.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to the Deposit Account No. 07-1730, Docket No. 3869-024. A duplicate copy of this Communication is attached for that purpose.

Respectfully submitted,  
GOTTLIEB, RACKMAN & REISMAN, P.C.

Dated: 1/30/2002

By:   
Raymond B. Churchill, Jr.  
Agent for Applicants  
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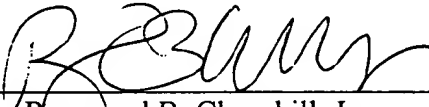
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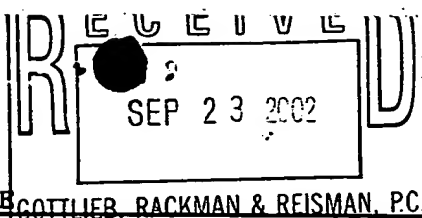
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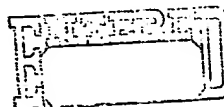
GOTTLIEB, RACKMAN &amp; REISMAN, P.C.

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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/936,854	01/02/2002	3761	2072	3869-24	10	44	6

CONFIRMATION NO. 4411

CORRECTED FILING RECEIPT



\*OC000000008792801\*

Date Mailed: 09/16/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Michael Berthon Jones, Leonay, AUSTRALIA;  
Peter John D. Wickham, New South Wales, AUSTRALIA;  
Nicola Frances Wickham, New South Wales, AUSTRALIA;

*deceased, late of  
executrix*

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A 371 OF PCT/AU00/00411 05/05/2000

**Foreign Applications**

AUSTRALIA PQ0198 05/16/1999

If Required, Foreign Filing License Granted 09/15/2002

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

**Title**

Control of supplied pressure in assisted ventilation

**Preliminary Class**



MAR 28 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 06 2003

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

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New York, New York 10016-0601



In re Application of  
BERTHON-JONES, Michael  
Application No.: 09/936,854  
PCT No.: PCT/AU00/00411  
Int. Filing Date: 05 May 2000  
Priority Date: 06 May 1999  
Attorney Docket no.: 3869-24

For: CONTROL OF SUPPLIED PRESSURE  
IN ASSISTED VENTILATION

DECISION ON

37 CFR 1.42 PAPERS

This is a decision on the submission under 37 CFR 1.42 filed on 02 January 2002

### BACKGROUND

On 17 September 2001, applicants filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. The Transmittal Letter was accompanied by, among other materials, payment of the basic national fee.

On 02 November 2001, a Notification of Missing Requirements was mailed to applicants indicating that an oath or declaration was required.

On 02 January 2002, applicants filed a response to the Notification Of Missing Requirements which included, among other materials, a declaration executed by the surviving co-inventor and on behalf of the deceased co-inventor Peter John Deacon WICKHAM by the executor of his estate.

### DISCUSSION

Pursuant to 37 CFR § 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

37 CFR 1.497(b)(2) states the following:

(2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration submitted on 02 January 2002 identifies the deceased inventor and states his country of citizenship, former residency and mailing address, as required for compliance with 37 CFR 1.497(a)(3). The declaration is signed by the executor of the deceased inventor's estate, states his relationship to the deceased, and provides the executor's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2).

Based on the above, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

### CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**. The declaration filed on 02 January 2002 is accepted as complying with 37 CFR 1.497.

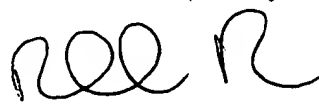
Deposit Account No. 07-1730 has been charged \$130 as the surcharge for filing the declaration later than thirty months after the priority date.

The application will be forwarded to the United States Designated/Elected Office (US/DO/EO) for further processing. The 35 U.S.C. 371 date is 02 January 2002.



Boris Milef  
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RMR/BM:rmr



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